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Attorney for: ANDRE W HOWELL

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA**

In re: ANDRE W HOWELL Debtor(s)	<u>Bankruptcy Case No.:</u> 23-12361-B-13 <u>Docket Control Number:</u> BDB-1 <u>Hearing Information (if applicable):</u> Hearing Date: Hearing Time: Location: Judge:
v. Plaintiff(s) Defendant(s)	<u>Adversary Proceeding No. (if applicable):</u> <u>Docket Control Number:</u> <u>Hearing Information (if applicable):</u> Hearing Date: Hearing Time: Location: Judge:

**CERTIFICATE OF SERVICE OF
 MOTION TO DISMISS UNDER U.S.C § 1307(b)**

I, the undersigned, certify and declare:

1. **Personal knowledge.** I am over the age of 18 years and not a party to the above-entitled case.
2. **Status.** I am ☒ an attorney of record in this case/adversary proceeding, **or** ☐ trustee, **or** ☐ my business/employer is _____ and my ☐ business address **or** ☐ mailing address if not a business is:

642 Pollasky Ave, Ste 200, Clovis, CA 93612

3. **About the Case/Proceeding.** (Check at least one type of case/proceeding and as many subheadings thereunder as applicable.)

<input type="checkbox"/> Chapter 7 case (indicate below if subject to limited noticing; check all that are applicable.) <input type="checkbox"/> Rule 2002(h) Limited Noticing. Fed. R. Bankr. P. 2002(h); LBR 2002-3. (Check all that are applicable.) <input type="checkbox"/> One of the following applies: (1) This is a voluntary asset case and at least 70 days have elapsed since the order for relief; (2) This is an involuntary asset case and at least 90 days have elapsed since the order for relief; (3) This is a no asset case and at least 90 days have elapsed since the mailing of the notice of time for filing claims under Fed. R. Bankr. P. 3002(c)(5). <input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. Rule 2002(m). The order limiting service is docketed at ECF no. _____.	<input checked="" type="checkbox"/> Chapter 12 or 13 case (indicate below if subject to limited noticing; check all that are applicable.) <input type="checkbox"/> Rule 2002(h) Limited Noticing. This case is subject to limited noticing because at least 70 days have elapsed since the order for relief. Fed. R. Bankr. P. 2002(h); LBR 2002-3.7. <input type="checkbox"/> Rule 3015(h) Limited Noticing (post-confirmation plan modification only). This case is subject to limited noticing because the debtor(s) has confirmed at least one plan and the modified plan filed herewith neither lengthens the term of, nor diminishes the dividend due general unsecured creditors, from the most recently confirmed plan. Fed. R. Bankr. P. 3015(h); LBR 3015-1(d)(3). <input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____.
<input type="checkbox"/> Chapter 9 case (indicate below if subject to limited noticing) <input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____.	<input type="checkbox"/> Chapter 11 case (indicate below if subject to limited noticing) <input type="checkbox"/> This case is subject to limited noticing because one or more creditors/equity holders committees have been appointed. Fed. R. Bankr. P. 2002(i); LBR 2002-4. <input type="checkbox"/> This case is subject to an order limiting service. Fed. R. Bankr. P. 2002(m). The order limiting service is docketed at ECF no. _____.
<input type="checkbox"/> Chapter 15 case	<input type="checkbox"/> Adversary Proceeding

4. **About the Documents Served**

On November 9, 2023, by the method(s) specified below, the following documents were served (list in space provided):

EX PARTE MOTION TO DISMISS UNDER 11 U.S.C § 1307(b)

DECLARATION OF ANDRE W HOWEL IN SUPPORT OF EX PARTE MOTION TO DISMISS UNDER 11 U.S.C § 1307(b)

or ☐ those documents described in the list appended hereto and numbered **Attachment 4**.

5. **Who is Being Served**

Unless otherwise indicated below, all indicated parties below have received all documents described in Section 4.

<input type="checkbox"/> Debtor(s) <input type="checkbox"/> Debtor's attorney(s) <input checked="" type="checkbox"/> Trustee <input checked="" type="checkbox"/> U.S. Trustee <input type="checkbox"/> Attorneys of record who have appeared in the Bankruptcy Case, the Adversary Proceeding, or contested matter. <input type="checkbox"/> Plaintiff(s) <input type="checkbox"/> Defendant(s) <input type="checkbox"/> All committee members <input type="checkbox"/> Attorney for committee members <input type="checkbox"/> Equity security holders <input type="checkbox"/> Persons who have filed a Request for Notice	<input type="checkbox"/> All creditors and parties in interest (Notice of Hearing only) <input type="checkbox"/> Only creditors that have filed claims (Notice of Hearing only) <input type="checkbox"/> All creditors and parties in interest <input type="checkbox"/> Fewer than all creditors (check at least one below) <input type="checkbox"/> Creditors that have filed claims <input type="checkbox"/> Creditors holding allowed secured claims <input type="checkbox"/> Creditors holding allowed priority unsecured claims <input type="checkbox"/> Creditors holding leases or executory contracts that have been assumed <input type="checkbox"/> 20 largest creditors <input type="checkbox"/> Administrative claimants <input type="checkbox"/> Other party(ies) in interest
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6. How Service is Accomplished

A. ☐ **Rule 7004 Service.** *(Check at least one, if applicable.)*

1. ☐ **First Class Mail**

Service was effected on those persons listed on the attachment by placing a true and correct copy of the document(s) served in a sealed envelope, first class mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons listed below. Fed. R. Bankr. P. 7004(b); 7004(g). A list of the persons served, including their name/capacity to receive service, and address is appended hereto and numbered **Attachment 6A1**.

2. ☐ **Certified Mail**

Service was effected on those persons listed on the attachment by placing a true and correct copy of the document(s) served in a sealed envelope, certified mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons indicated below. Fed. R. Bankr. P. 7004(h). A list of the persons served, including their name/capacity to receive service, and address is appended hereto and numbered **Attachment 6A2**.

3. ☐ **Publication**

Service was effected by publication as ordered by the court and docketed at ECF no. _____. Fed. R. Bankr. P. 7004(c). Attestation(s) as to the manner and form of such publication is appended hereto and numbered **Attachment 6A3**.

B. ☒ **Rule 5 and Rules 7005, 9036 Service** *(Check at least one, if applicable.)*

1. ☒ **Electronic Service on Registered Users of the Court's Electronic Filing System.**

Service on those parties in interest, listed below, will be effected by filing those documents, listed above, with the Clerk of the Court. Fed. R. Bankr. P. 9036, 7005; Fed. R. Civ. P. 5(b). Electronic service on registered users of the electronic filing system is not permitted for pleadings or papers that must be served in accordance with Fed. R. Bankr. P. 7004. A copy of the Clerk's Electronic Service Matrix applicable to this case and/or adversary proceeding is appended hereto and numbered **Attachment 6B1**.

2. ☐ **U.S. Mail**

Service on those parties, listed below, was effected by placing a true and correct copy of the document(s) served in a sealed envelope, first class mail, postage prepaid in the United States Postal Service (or in a place designated by the law firm or trustee for outgoing mail prior to the last regular pick up of outgoing mailing for the day) for each of the persons indicated below. Fed. R. Civ. P. 5(b)(2)(c); Fed. R. Bankr. P. 9014.

a. **Parties in interest**

☐ **Clerk's Matrix of Creditors.** A copy of the matrix of creditors maintained by the Clerk of the Court as applicable to this case and/or adversary proceeding is appended hereto and numbered **Attachment 6B2**. Such list shall be downloaded not more than seven days prior to the date of filing of the pleadings and other documents and shall reflect the date of downloading. WARNING: If "raw data format" of the Clerk's Matrix of Creditors is Attachment 6B2, the signer of the Certificate of Service hereby swears that no changes to the matrix have been made except (1) formatting; and/or (2) "X" ing out of person not served. Such list shall be downloaded not more than seven days prior to the date of filing of the pleadings and other documents and shall reflect the date of downloading.

☐ **List Other Than the Clerk's Matrix of Creditors.** Where service by U.S. Mail is effected on six or fewer parties in interest, parties may (but need not) use a service list. A copy of the custom service list is appended hereto and numbered **Attachment 6B2**.

b. ☐ **Request for Special Notice List.** A copy of the Clerk of the Court's matrix of creditors who have filed a Request for Special Notice is appended hereto and numbered **Attachment 6B3**.

c. ☐ **Other Parties in Interest Checked in Section 5.** A list of the named and addresses of other parties in interest served (if checked in section 5 above) is appended hereto and numbered **Attachment 6B4**.

3. ☐ **Other Methods of Service**

Specify the means of delivery. Fed. R. Civ. P. 5 (b)(2) (A)-(F). A list of those persons so served and the addresses at which they are served is appended hereto and numbered **Attachment 6B5**.

7. Who Accomplished Service

A. Attorney/Trustee *(Check as many as apply)*

Rule 7004 Service

- ☐ § 6A(1): First Class Mail
☐ § 6A(2): Certified Mail
☐ § 6A(3): Publication

Rule 5 Service

- ☒ § 6B(1): Elec. Service on Registered e-Filers
☐ § 6B(2)(a): U.S. Mail
☐ § 6B(2)(b): Request for Special Notice
☐ § 6B(2)(c): Other Parties in Interest § 5
☐ § 6B(3): Other Methods of Service

B. Third Party Service Provider *(Check as many as apply)*

Rule 7004 Service

- ☐ § 6A(1): First Class Mail
☐ § 6A(2): Certified Mail
☐ § 6A(3): Publication


Rule 5 Service

- ☐ § 6B(1): Elec. Service on Registered e-Filers
☐ § 6B(2)(a): U.S. Mail
☐ § 6B(2)(b): Request for Special Notice
☐ § 6B(2)(c): Other Parties in Interest § 5
☐ § 6B(3): Other Methods of Service

Attorney/Trustee *(includes regularly employed staff members):*

I swear under penalty of perjury that: (1) the representations in Sections 1-5 hereof are true and correct; and (2) I served those parties in interest marked in Section 7A in the manner set forth in the referenced portion of Section 6.

Executed on November 9, 2023, at Clovis, CA.

City _____ State _____

 Signature _____

Benny D. Barco
 Print Name

Third Party Service Provider *(if applicable):*

I am over the age of 18 years and not a party to the above-entitled case. I swear under penalty of perjury that I served those parties in interest marked in Section 7B in the manner set forth in the referenced portion of Section 6.

Executed on _____, 20____, at _____.

City _____ State _____

 Name

 Signature

 Company Name

 Address

 City State Zip Code



Attachment 6B1

Matrix of Registered Users of the Electronic Filing System

Case Name: ANDRE WISHON HOWELL

Case Number: 23-12361

Date: 11/9/2023 10:57 AM

Office of the U.S. Trustee / Trustee / ustpreion17.fr.ecf@usdoj.gov

Michael Meyer / Trustee / noticing@meyer13.com

Benny Barco / Attorney / bbarco@barcolaw.com